

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 01-3703

United States of America,

Appellee,

v.

Camilo Benitez-Medina, also known
as Christopher Velasquez,

Appellant.

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Appeal from the United States
District Court for the
Eastern District of Missouri.

[UNPUBLISHED]

Submitted: May 15, 2002

Filed: June 5, 2002

Before BOWMAN, LOKEN, and BYE, Circuit Judges.

PER CURIAM.

Camilo Benitez-Medina pleaded guilty to the offense of conspiring to possess with the intent to distribute more than 500 grams of methamphetamine. See 21 U.S.C. §§ 841(a)(1), 846 (2000). The District Court¹ found that Benitez-Medina was an organizer and leader of the charged conspiracy. Accordingly, the court imposed a four-level enhancement of Benitez-Medina's offense level pursuant to U.S.

¹The Honorable Jean C. Hamilton, Chief Judge, United States District Court for the Eastern District of Missouri.

Sentencing Guidelines Manual § 3B1.1(a) (2000) (providing for four-level enhancement where defendant "was an organizer or leader of a criminal activity that involved five or more participants or was otherwise extensive"), resulting in a sentence of 180 months' imprisonment.

Benitez-Medina appeals only the four-level sentencing enhancement, arguing that the District Court's finding regarding his role in the conspiracy is clearly erroneous. We disagree. The evidence presented at the sentencing hearing is sufficient to support specific findings that there were five or more participants in the undertaking; that Benitez-Medina exercised decision-making authority and control over one or more of them; and that he set the price of the methamphetamine, recruited participants, and was entitled to a larger share of the fruits of the drug-distribution scheme than his co-conspirators. Given this evidence, we cannot say the challenged finding is clearly erroneous.

The sentence imposed by the District Court is affirmed.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.